

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
JULY 27, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Vice Mayor Wieckowski led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes** – None.

- * **2.3 Mayor Wasserman opened consideration of Setting the Annual Tax Rate for Voter-Approved General Obligation Bond Debt Service for Fiscal Year 2010/11**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Established the Fire Safety General Obligation Bonds tax rate of \$0.0095 per \$100 of assessed valuation (0.0095%) for fiscal year 2010/11.
2. Adopted Resolution No. 2010-52 requesting and authorizing the County of Alameda to levy a tax on all taxable properties in the City as a voter-approved levy with respect to the Fire Safety Project GO Bonds.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
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Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Delegation of Authority to City Manager during Council Recess, July 28, 2010 through September 14, 2010**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2010-49 authorizing the City Manager or designee to approve and execute as necessary, on behalf of the City, the items set forth in this report, and to take the following actions:

1. Authorized the City Manager or designee to sign the modified MOU permitting continuance of the Narcotic and Gang task forces reflecting an operational change. The mandate of the unit is being adjusted to focus on violence as a derivative of gang and narcotic offenses. This change is supported by an adjustment in the command and control of the unit by placing operational functions under one task force commander, administrative responsibilities under the remaining commander, and governance under a single MOU.
2. Authorized the City Manager or designee to (1) approve the plans and specifications for the 2010 Kato Road Full Depth Reclamation and Asphalt Overlay, City Project No. 8234-K (PWC), and (2) accept the bid and award the construction contract for the 2010 Full Depth Reclamation and Asphalt Overlay, 8234-K (PWC) to the lowest responsible bidder, in an amount not-to-exceed \$1,500,000, and authorized the City Manager to execute the contract.
3. Authorized the City Manager or designee, following receipt and evaluation of proposals, to negotiate and execute a contract to provide security guard services during construction for the Police Department Seismic Retrofit Construction Project in an amount not-to-exceed \$225,000.
4. Authorized the City Manager or designee to (1) approve Amendment No. 1 to the existing agreement for Police Department Seismic Retrofit Construction Project Management services with Critical Solutions, Inc., for additional construction administration services in an amount not-to-exceed \$84,700 which will increase the total construction administration services to an amount-not-exceed \$579,520, and (2) retain the City Manager's amendment authority pursuant to the Purchasing Code at 20% of the original contract amount for future amendments.
5. Authorized the City Manager or designee to award separate contracts to AEI Affiliated Engineers, Inc., and YEI Engineers, Inc., for On-Call Electric Engineering Master Service Agreement in an amount not-to-exceed \$15,000 per year per firm for three years, with two one-year options to extend for each firm in an amount not-to-exceed \$100,000 per year.
6. Authorized the City Manager or designee to (1) execute a purchase order with Frontier Ford in an amount not-to-exceed \$299,396 for the purchase of eight Ford Crown Victoria police patrol replacement vehicles and four Ford Fusion unmarked police replacement vehicles from the Council approved Multi-Year Vehicle Purchase Bid #09-012 and #09-027 using the approved vendors and prices, and (2) execute a purchase order with Hansel Ford in an amount not-to-exceed \$369,733 for the purchase of 11 Ford Escape hybrid

vehicles to replace nine police Community Service vehicles and two general service utility vehicles from the Council approved Multi-Year Vehicle Purchase Bid #09-012 and #09-027 using the approved vendors and prices.

7. Authorized the City Manager or designee to issue a purchase order and execute implementing documents with Oracle America, Inc., for Relational Database software update license and support in the amount of \$148,899.35 and for PeopleSoft HR/Payroll application and MicroFocus COBOL software compiler support in the amount of \$101,025.23, for a total amount not-to-exceed \$249,924.58.
8. Authorized the City Manager or designee to execute an agreement and any other implementing documents, with the California Department of Aging to provide senior case management services.
9. Authorized the City Manager or designee to reappropriate \$40,362 in CDBG funding from 105PWC8716 to 105PWC8680 and execute any implementing documents, including amending the City's Action Plan.
10. Authorized the City Manager or designee to execute a ninety-day contract for a total not-to-exceed amount of \$113,963 that is a continuation of the 2009/10 contract with Alameda County Probation Department to continue programs supporting at-risk youth and families from Fremont and Newark in the first quarter of FY 2010/11.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

2.5 Mayor Wasserman opened consideration of Adoption of Resolution of Necessity Authorizing Filing of Eminent Domain Action to Acquire Property Located at 220 E. Warren Avenue (PWC8074)

(This item was removed from the Consent Calendar)

Mayor Wasserman opened the public hearing. Kenneth Bley (property owner's agent) expressed opposition to the adoption of the proposed resolution of necessity authorizing the condemnation of his client's property on the ground that the City has failed to comply with the requirements of the California Environmental Quality Act (CEQA). There were no other speakers. Mayor Wasserman closed the public hearing. Staff provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Conducted a hearing.
2. Adopted Resolution No. 2010-50, a Resolution of Necessity making the findings, determining that the public interest and necessity require the acquisition of the subject properties, and authorizing the commencement of eminent domain proceedings.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan

Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

- 3.1 **Resolution: Recognizing Senior Planner Barbara Meerjans for 25 Years of Service**
- 3.2 **Resolution: Recognizing Police Sergeant Gregg Crandall for 20 Years of Service**
- 3.3 **Resolution: Recognizing Police Property Officer Carol Pedersen for 30 Years of Service**
- 3.4 **Resolution: Recognizing Records Supervisor Sandy Spikes for 30 Years of Service**
- 3.5 **Resolution: Recognizing Police Lieutenant Mark Devine for 30 Years of Service**
- 3.6 **Proclamation: Fremont Festival of the Arts Week**
- 3.7 **Proclamation: Kids City at the Festival of the Arts**

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

John Freeman, June Griffin, and Erwin Tsaur expressed opposition to and concern regarding the proposed location of the Skate Park and requested deferral of the item scheduled for the September 14 Council meeting to the December 7 Council meeting. Linda Susoev expressed concern related to elder care. Steve Cho (Boy Scouts of America) invited Council and the community to a ceremony sponsored by the Boy Scouts of America commemorating 9/11 to be held on Saturday, September 11 at Central Park in Fremont.

5. SCHEDULED ITEMS

- 5.1 **Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Recommendation from the Planning Commission for a Zoning Text Amendment (ZTA) to Modify Fremont Municipal Code (FMC) Title VIII, Chapter 2 to Amend the R-1 Zoning Standards Related to Height, Roof Pitch, and Floor Area Coverage and Authorize the Adoption of Design Review Guidelines for Certain Residential Neighborhoods Generally known as Glenmoor Gardens and Mission Ranch. Additionally, this ZTA Proposes to Eliminate R-1-160 and R-1-80 Zoning Districts Because they are no Longer Required. (PLN2010-00202)**

Associate Planner Terry Wong provided an overview of the project and outlined staff recommendations. Mayor Wasserman opened the public hearing. Warren Nielsen, Leslie Streight, Jay Waste, Janet Barton, Alice Hoch, Melvin Hoch, Kathy Kimberlin (Glenmoore Gardens Homeowner Association), Barbara Aylward, Nishit Vasavasa, and Han Wang

expressed support for incorporating existing interim standards and design guidelines for alteration and construction of single-family homes in the Glenmoor Gardens and Mission Ranch neighborhoods into the R-1 zoning district as sub-areas. Norman Bailes expressed concern with limiting two-story residential projects in the Glenmoore Gardens neighborhood. There were no other speakers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing.
2. Found that the project is categorically exempt from the California Environmental Quality Act (CEQA) under 15061(b)(3) of the CEQA Guidelines because it is not a project which has the potential for causing a significant effect on the environment.
3. Found PLN2010-00202 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
4. Approved the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment because the buildings will be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials. Also found that the elimination of the R-1-80 and R-1-160 zoning districts are consistent with the City's existing General Plan designations.
5. Waived full reading and introduced an Ordinance amending the zoning text amendment, as shown on Exhibit "A", subject to findings in Exhibit "B".
6. Adopted Resolution No. 2010-51 approving the Glenmoore Gardens Design Guidelines and the Mission Ranch Design Guidelines.
7. Directed staff to prepare and the City Clerk publish a summary of the ordinance.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

6. REPORT FROM CITY ATTORNEY

- 6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

7. OTHER BUSINESS

- 7.1 Mayor Wasserman opened consideration of Key Components of the Framework Plan: Proposed Concept for Improvements to Fremont Boulevard, Urban Design Guidelines and an Approach to Public Parking Policy, and Direction on a Series of Questions (Centerville Framework Plan)**

Redevelopment Director Elisa Tierney introduced staff and the Project Team consultants and provided an overview of the key elements of the Centerville Framework Plan. Project Manager Josh Huber provided background information, key elements and the purpose of the presentation. Jane Lin (Field Paoli) presented Fremont Boulevard improvements recommended for implementation over the next three years. Planning Director Jeff Schwob provided an overview of the Urban Design Guidelines. Dennis Dornen (Field Paoli) presented a summary of the Guidelines as they draw from the draft General Plan Community Character Element, Centerville Specific Plan, Envision Fremont Boulevard and Centerville Framework Plan. Redevelopment Director Elisa Tierney discussed an approach to public parking including a range of options, City and Agency resources, and proposed expenditures. Project Manager Josh Huber facilitated nine questions to guide implementation, which were broken into three categories: (1) Circulation, (2) Encouraging Private Development, and (3) Public Amenities. Mr. Huber outlined next steps and recommendations for the Agency Board and City Council's consideration. Mayor Wasserman opened the item for public comment. John Weed requested Council to consider including a security element and established parking district to the Plan. There were no other speakers. Mayor Wasserman closed public comment. Staff and the Consultants responded to questions from Councilmembers. City Council provided direction to staff regarding shared parking on selected sites and provided direction on the list of nine questions regarding the proposed development in Centerville.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

- 1) Provided direction to staff regarding shared parking on selected sites and directed staff to return with more detailed information on the feasibility of creating shared parking; and
- 2) Reviewed the list of proposed projects, timing and funding, and confirmed project priorities.
- 3) Granted conceptual approval of proposed urban design guidelines; and
- 2) Provided direction on a list of nine yes/no questions regarding proposed development in Centerville.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

7.2 Mayor Wasserman opened consideration of Rejecting All Proposals Submitted in Response to Tow Services Agreement RFP and Directing Staff to Conduct a New Solicitation

Police Chief Craig Steckler reviewed the staff report and questions raised at the June 1 Council meeting. Mayor Wasserman opened the item for public comment. Sherry White (Mission Pass Towing) and Robert Bush expressed concern related to the selection process, the RFP requirements and zone towing versus rotational towing. There were no other speakers. Mayor

Wasserman closed public comment. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council rejected all bids and directed staff to conduct research, draft a new RFP, and construct a new selection process.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

7.3 Mayor Wasserman opened consideration of an Amendment to Solid Waste Collection Agreement with Allied Waste Industries to Implement Collection Changes Designed to Improve Waste Diversion and Authorize Staff to Negotiate Additional Contract Changes

Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Authorized the City Manager, or his designee, to execute the Sixth Amendment to Agreement for the Collection, Processing, and Disposal of Municipal Solid Waste, Recyclables, and Organic Waste, as attached.
2. Appropriated \$71,000 of Integrated Waste Management Fund fund balance to the FY 2010/11 Integrated Waste Management operating budget, fund 115.4410.
3. Authorized staff to negotiate a Seventh Amendment to the Agreement for the Collection, Processing and Disposal of Municipal Solid Waste, Recyclables, and Organic Waste with Allied Waste to incorporate the Phase Two changes described in the staff report.
4. Authorized staff to negotiate an amendment to Agreement Between the City of Fremont and BLT Enterprises of Fremont, Inc., for Recyclables Diversion and Transfer Services to incorporate the Phase Two changes described in this staff report.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

7.4 Mayor Wasserman opened consideration to Authorize the City Manager to Enter into a Contract with Perkins+Will for \$330,000 for Planning and Technical Studies Related to South Fremont/Warm Springs Area (formally known as NUMMI Site Closure Economic Recovery Strategy)

Economic Development Director Lori Taylor clarified the project's formal name and reviewed the consultant selection process, scope and timeline of work, public outreach and participation,

project budget, and next steps after study completion. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council authorized City Manager or designee to enter into a contract with Perkins+Will to lead a multi-disciplinary consultant team to prepare technical studies for the South Fremont/Warm Springs area at a cost not to exceed \$330,000.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 Mayor Wasserman Referral: Designation of League of California Cities Annual Conference Voting Delegate

By consensus, the City Council appointed Councilmember Natarajan as the City's voting delegate and Councilmember Chan as the voting alternate.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 11:20 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor